

**SUPREME COURT MINUTES
TUESDAY, DECEMBER 1, 2015
SAN FRANCISCO, CALIFORNIA**

S230459 B255773 Second Appellate District, Div. 8 **PEOPLE v. FULLER
(ALONZO D.)**

Petition stricken (case closed)

The petition for review filed by appellant, Reggie Reed, on November 9, 2015, is hereby ordered stricken due to an order granting a petition for rehearing on October 28, 2015.

S152556 **PEOPLE v. OROZCO (JOSE
LUIS)**

Extension of time granted

Good cause appearing, and based upon counsel Tara K. Hoveland's representation that the appellant's reply brief is anticipated to be filed by January 4, 2016, counsel's request for an extension of time in which to file that brief is granted to January 4, 2016. After that date, no further extension is contemplated.

S166737 **PEOPLE v. FLORES (RALPH
STEVEN)**

Extension of time granted

Good cause appearing, and based upon counsel John L. Dodd's representation that the appellant's opening brief is anticipated to be filed by February 13, 2016, counsel's request for an extension of time in which to file that brief is granted to January 29, 2016. After that date, only one further extension totaling about 17 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S176413 **PEOPLE v. DENT
(ANTHONY R.)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Carl N. Henry's representation that the respondent's brief is anticipated to be filed by January 31, 2016, counsel's request for an extension of time in which to file that brief is granted to February 1, 2016. After that date, no further extension is contemplated.

S178669**PEOPLE v. WYCOFF
(EDWARD MATTHEW)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Roni Dina Pomerantz's representation that the respondent's brief is anticipated to be filed by March 7, 2016, counsel's request for an extension of time in which to file that brief is granted to February 1, 2016. After that date, only one further extension totaling about 35 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S185221**PEOPLE v. LEWIS (TRAVIS
JEREMY)**

Extension of time granted

Good cause appearing, and based upon counsel Tara K. Hoveland's representation that the appellant's opening brief is anticipated to be filed by June 23, 2016, counsel's request for an extension of time in which to file that brief is granted to February 2, 2016. After that date, only three further extensions totaling about 141 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S188525**THOMPSON (JAMES ALVIN)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Michael Clough's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by February 29, 2016, counsel's request for an extension of time in which to file that document is granted to January 25, 2016. After that date, only one further extension totaling about 35 additional days is contemplated.

S225193

E060758 Fourth Appellate District, Div. 2

**PEOPLE v. PATTERSON
(RON DOUGLAS)**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to December 4, 2015.

S226652 B248694 Second Appellate District, Div. 2 **DISPUTESUITE.COM, LLC v. SCOREINC.COM**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to January 29, 2016.

No further extensions are contemplated.

S227243 F068526/F068676 Fifth Appellate District **GERAWAN FARMING, INC. v. AGRICULTURAL LABOR RELATIONS BOARD (UNITED FARM WORKERS OF AMERICA)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to February 1, 2016.

S227270 F069419 Fifth Appellate District **TRI-FANUCCHI FARMS v. AGRICULTURAL LABOR RELATIONS BOARD (UNITED FARM WORKERS OF AMERICA)**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to February 1, 2016.

S228030 G051142 Fourth Appellate District, Div. 3 **PEOPLE v. MORALES (JOSUE VARGAS)**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to December 17, 2015.

S229015 **RUBIO (GILBERT RAUL) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Tita Nguyen's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by May 16, 2016, counsel's request for an extension of time in which to file that document is granted to February 1, 2016. After that date, only two further extensions totaling about 106 additional days are contemplated.

S230103**WILLIAMS (DAVID EARL)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Rama R. Maline's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by January 29, 2016, counsel's request for an extension of time in which to file that document is granted to January 29, 2016. After that date, no further extension is contemplated.

S230239**JONES (JEFFREY GERARD)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy Attorney General Carlos A. Martinez's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by March 29, 2016, counsel's request for an extension of time in which to file that document is granted to January 29, 2016. After that date, only one further extension totaling about 60 additional days is contemplated.

S230490 E064673 Fourth Appellate District, Div. 2 **EASLEY (YUSUF) ON H.C.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer to the petition for review is extended to December 16, 2015.

S228596 B256120 Second Appellate District, Div. 2 **PEOPLE v. NAVA (JARAD J.)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, James Crawford is hereby appointed to represent appellant on the appeal now pending in this court.

S228817 H040513 Sixth Appellate District**PEOPLE v. CAROTHERS
(JAMES)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Susannah McNamara is hereby appointed to represent appellant on the appeal now pending in this court.

S229010 H041363 Sixth Appellate District**PEOPLE v. DELAPENA
(JAMES EDWARD)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Sejal Patel is hereby appointed to represent appellant on the appeal now pending in this court.

S229147 C074791 Third Appellate District

**PEOPLE v. GOETHE
(ELIJAH)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Solomon R. Wollack is hereby appointed to represent appellant on the appeal now pending in this court.

S229205 A140435 First Appellate District, Div. 2

**PEOPLE v. GUZMAN (JESUS
MACIAS)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Kelly C. Martin is hereby appointed to represent appellant on the appeal now pending in this court.

S229265 C077746 Third Appellate District

**PEOPLE v. ENDICOTT, JR.,
(TIMOTHY EUGENE)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, the Central California Appellate Program is hereby appointed to represent appellant on the appeal now pending in this court.

S229543 F068070 Fifth Appellate District

**PEOPLE v. DIAZ, JR.,
(MARIANO)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Paul V. Carroll is hereby appointed to represent appellant on the appeal now pending in this court.

S229563 C074830 Third Appellate District

**PEOPLE v. POOR (RODNEY
QUINCY)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, the Central California Appellate Program is hereby appointed to represent appellant on the appeal now pending in this court.

S229816 A139953 First Appellate District, Div. 1

**PEOPLE v. CARSON
(DAVANTE)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, R. Stevens Condie is hereby appointed to represent appellant on the appeal now pending in this court.

S161781**PEOPLE v. THOMAS (JUSTIN
HEATH)**

Motion for access to sealed record granted

The “Motion for Access to Sealed Penal Code Section 987.9 Materials,” filed on September 29, 2015, is granted in part and denied in part as follows. The Clerk is directed to provide counsel for respondent copies of the following volumes of the reporter’s transcript, which remain under seal but may be discussed in publicly filed briefs (Cal. Rules of Court, rule 8.47(b)(2)(A)): 1-A RT 132-134; 2-A RT 267-280; 2-B RT 281-306; 2-C RT 317-324; 2-D RT 337-345; 2-E RT 384-388; 2-F RT 397-401; 10-A RT 2566-2568; 13-A RT 2842-2848; 13-B RT 2855-2859; 14-B RT 3074-3086; 14-C RT 3105-3129; and 15-A RT 3131-3135. The motion is denied as to 1 RT 123-129 and 2 RT 355-366, because the transcripts of those hearings are in the public record on appeal. The motion is denied without prejudice as to the requested portions of the clerk’s transcript, because the requests do not correspond to the clerk’s transcript included in this court’s record on appeal. Counsel for respondent and appellant should confer to determine whether the items at issue were included in the court’s record on appeal, and thereafter takes steps to remedy any omissions and/or to determine how, in a renewed motion for access, to identify the requested items in a manner that corresponds to this court’s record on appeal.

S004422**PEOPLE v. AVENA (CARLOS
JAIME)**

Order filed

Because appellant is represented by counsel, the Clerk is directed to return to appellant the pro se submission received on October 22, 2015. (*In re Barnett* (2003) 31 Cal.4th 466.)

S178669**PEOPLE v. WYCOFF
(EDWARD MATTHEW)**

Order filed

Respondent’s “Application for Order Unsealing Portions of Record on Appeal Related to Claims III and VIII in Appellant’s Opening Brief,” filed on September 15, 2015, and “Application for Order Unsealing Portions of Record on Appeal Related to Claims III and VIII in Appellant’s Opening Brief,” filed on October 21, 2015, are granted as follows. (Cal. Rules of Court, rule 8.47(b)(2)(D).) The Clerk is directed to provide respondent copies of the following documents, which remain under seal but may be discussed in publicly filed briefs (Cal. Rules of Court, rule 8.47(b)(2)(A)): Nov. 30 2006 RT 46-54; 1 RT 26-41; 1 RT 69-91; 1 RT 177-187; 13 RT 2749-2755; 2 CT 303-328; 2 CT 346-376. The applications are denied as to 1 RT 118-129 and 2 CT 377-394 because those portions of the record are not sealed.

S228230**PEOPLE v. DEHOYOS
(VERONICA LORRAINE)**

Order filed

The order filed on November 23, 2015, appointing the Appellate Defenders, Inc., as counsel for appellant is hereby amended to reflect the above title.

S230180**LOGAN (JEROME) v.
RACKLEY (R.J.)/(LACEY)**

Order filed

The order filed on November 23, 2015, transferring the above-entitled matter to the Court of Appeal, First Appellate District, is corrected as to the title to read as follows:

JEROME LOGAN, Petitioner,

v.

R.J. RACKLEY, Respondent;

THE PEOPLE, Real Party in Interest.

S230178**BROWN (PHILIP) v. S.C.
(PEOPLE)**

Transferred to Court of Appeal, Second Appellate Division

The above-entitled matter is transferred to the Court of Appeal, Second Appellate Division, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S230366**COWART (GARDELL) v. S.C.
(COWART)**

Transferred to Court of Appeal, Second Appellate Division

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S230402**ANDREWS (STEVEN) v. S.C.
(ANDREWS)**

Transferred to Court of Appeal, Fourth Appellate District, Division Three

The above-entitled matter is transferred to the Court of Appeal, Fourth Appellate District, Division Three, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S230589

**GRANDBERRY (DWIGHT) v.
S.C. (PEOPLE)**

Transferred to Court of Appeal, Second Appellate Division

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District.

S230796

**GRANDBERRY (DWIGHT
DWAYNE) v. S.C. (PEOPLE)**

Transferred to Court of Appeal, Second Appellate District

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District.

**SUPREME COURT MINUTES
TUESDAY, DECEMBER 1, 2015
LOS ANGELES, CALIFORNIA**

The Supreme Court of California convened in the courtroom of the Ronald Reagan State Office Building, Third Floor, South Tower, 300 South Spring Street, Los Angeles, California, on Tuesday, December 1, 2015, at 1:30 p.m.

Present: Chief Justice Tani Cantil-Sakauye, presiding, and Associate Justices Werdegar, Chin, Corrigan, Liu, Cuéllar, and Kruger.

Officers present: Frank A. McGuire, Clerk, Jorge Navarrete, Assistant Clerk Administrator, and Gail Gray, Calendar Coordinator.

S218233 The People, Plaintiff and Respondent,
 v.
 Hugo Garcia, Defendant and Appellant.

Cause called. Nancy J. King, Appellate Defenders, argued for Appellant.
Lynne McGinnis, Office of the Attorney General, argued for Respondent.

Ms. King replied.
Cause submitted.

S024046 The People, Plaintiff and Respondent,
 v.
 James Francis O'Malley, Defendant and Appellant.

Cause called. Cliff Gardner argued for Appellant.
Nanette Winaker, Office of the Attorney General, argued for Respondent.

Mr. Gardner replied.
Cause submitted.

S025748

The People, Plaintiff and Respondent,
v.
Jose Lupercio Casares, Defendant and Appellant.

Cause called. Kathleen Scheidel, Office of the State Public Defender,
argued for Appellant.
David A. Lowe, Office of the Attorney General, argued for Respondent.

Ms. Scheidel replied.
Cause submitted.

Court recessed until Wednesday, December 2, 2015, at 9:00 a.m.